

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

ERIC DIAZ, :
Petitioner :
: :
: : No. 1:21-cv-1085
v. :
: : (Judge Rambo)
GREGORY BRIGGS, *et al.*, :
Respondent :
:

ORDER

AND NOW, on this 14th day of December 2021, for the reasons set forth in the accompanying memorandum, **IT IS ORDERED THAT:**

1. Respondents' request to file a partial response to the petition for writ of habeas corpus, (*See* Doc. No. 13 at 1), is **GRANTED**;
2. Respondents' argument that the petition should be dismissed as untimely is **REJECTED**;
3. Petitioner's motion for summary judgment (Doc. No. 2) is **DENIED WITHOUT PREJUDICE**;
4. Within **fourteen (14) days** of the date of this order, Respondents shall file an additional answer, motion, or other response to the allegations of the petition. *See* Rule 5, 28 U.S.C. foll. § 2254;
5. Petitioner shall, if he so desires, file a reply to Respondents' answer or other pleading within **fourteen (14) days** after its filing. *See* Rule 5(e), 28 U.S.C. foll. § 2254; and
6. A determination as to whether or not Petitioner shall be produced for a hearing will be held in abeyance pending the filing of Respondents' answer or other pleading.

s/ Sylvia H. Rambo
United States District Judge